

By: Representatives Nettles, Hudson, Moore
(100th), Rushing

To: Game and Fish

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 703

1 AN ACT TO AMEND SECTIONS 49-7-51 AND 49-7-53, MISSISSIPPI
2 CODE OF 1972, TO AUTHORIZE THE SALE, PURCHASE, POSSESSION AND
3 TRANSPORTATION OF PRODUCTS OF DEER ANTLERS IN ACCORDANCE WITH
4 RULES AND REGULATIONS PROMULGATED BY THE COMMISSION ON WILDLIFE,
5 FISHERIES AND PARKS; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 49-7-51, Mississippi Code of 1972, is
8 amended as follows:

9 49-7-51. (1) It is unlawful for any person to buy or sell
10 or to offer for sale, exchange for merchandise, or other
11 consideration, within this state, any game birds, game animals, or
12 game fish, or parts thereof, named in this chapter, whether taken
13 within or coming from without the state, except as specifically
14 permitted by law or regulation. However, the skins and sinew of
15 deer and products crafted, fashioned or made from deer antlers not
16 in velvet may be bought and sold at any time in accordance with
17 rules and regulations promulgated by the Commission on Wildlife,
18 Fisheries and Parks. A violation of this subsection is a Class I
19 violation and is punishable as provided in Section 49-7-141.

20 (2) Any person who buys, sells, offers for sale, exchange
21 for merchandise, or other consideration, any wild bird, wild
22 animal or fish that has been taken illegally is guilty of a Class
23 I violation and punished as provided in Section 49-7-141.

24 **SECTION 2.** Section 49-7-53, Mississippi Code of 1972, is
25 amended as follows:

26 49-7-53. (1) It is unlawful for any railroad, express
27 company or common carrier to knowingly receive for shipment or to
28 ship any game animals, birds, or fish named in this chapter;



29 except that a railroad, express company or common carrier may
30 receive and carry game animals, birds or fish when accompanied by
31 the hunter killing same and as provided otherwise in this chapter.

32 (2) No person or corporation may ship, transport or carry,
33 cause to be shipped, transported or carried, or receive for
34 shipment, transportation or carriage, or have in his possession
35 with intent to ship, transport or carry, or secure the shipment,
36 transportation or carriage beyond the limits of this state, any
37 game animal, bird or fish, except for the following:

38 (a) Rabbits;

39 (b) The furs or pelts of beaver, opossum, otter,
40 raccoon or other fur-bearing animals during the open season and
41 ten (10) days thereafter;

42 (c) Skins and sinew of deer and products crafted,
43 fashioned or made from deer antlers not in velvet, in accordance
44 with rules and regulations promulgated by the Commission on
45 Wildlife, Fisheries and Parks; and

46 (d) Game fish produced in a legally permitted
47 aquaculture facility pursuant to Section 79-22-9.

48 (3) The offering or reception by any person or corporation
49 within this state of any such birds, animals or fish for shipment
50 from this state shall be prima facie evidence that such birds,
51 animals or game fish were killed, captured or taken within the
52 state. Each game animal, bird or fish in possession, received for
53 shipment or transportation, or shipped or transported in violation
54 of this section is a separate offense.

55 (4) A nonresident licensee during the open season may ship,
56 transport or carry from this state any game animal, bird or fish
57 lawfully taken but not in excess of the bag and possession limits
58 prescribed in Section 49-7-41.

59 Such nonresident licensee shall accompany the shipment or
60 shall attach to such animals, birds or fish, or any package
61 containing them, an affidavit in a form to be prescribed by the



62 executive director that such animals, birds or fish were lawfully
63 killed or taken by him and are being shipped or transported to his
64 home and are not for sale. A duplicate of such affidavit shall be
65 filed with the transportation company or agent thereof, whose duty
66 it shall be to transmit the same to the executive director within
67 ten (10) days after its receipt. Such affidavit shall be sworn to
68 within ten (10) days after its receipt, and shall be sworn to
69 before a person authorized to administer oaths in the state. For
70 such purpose, conservation officers and agents of the
71 transportation companies are hereby authorized to administer such
72 oaths.

73 (5) A violation of this section is a Class I violation and
74 is punishable as provided in Section 49-7-141.

75 **SECTION 3.** This act shall take effect and be in force from
76 and after July 1, 2002.

